IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 30409 of 2004(T)

PETITIONER:
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1. VELUCHAMY GOUNDER,
S/O. MARIAPPA GOUNDER, AGED 70 YEARS,
KARADIPPARA, VANNAMADA P.O., PALAKKAD DISTRICT.

2. MAHALINGAM, S/O. VELUCHAMY GOUNDER,
AGED 35 YEARS, KARADIPPARA, VANNAMADA P.O.,
PALAKKAD DISTRICT.

3. RANGASWAMY, S/O. VELUCHAMY GOUNDER,
AGED 30 YEARS, KARADIPPARA, VANNAMADA P.O.,
PALAKKAD DISTRICT.

4. DHAMARAJAN, S/O. VELUCHAMY GOUNDER,
AGED 30 YEARS, KARADIPPARA, VANNAMADA P.O.,
PALAKKAD DISTRICT.

5. SELVARAJ, S/O. VELUCHAMY GOUNDER
AGED 41 YEARS, KARADIPPARA, VANNAMADA P.O.,
PALAKKAD DISTRICT.

6. CHENNIYAPPA GOUNDER,
S/O. CHADAYAPPA GOUNDER, AGED 61 YEARS,
KARADIPPARA, VANNAMADA P.O., PALAKKAD DISTRICT.

7. RAMAKRISHNAN, S/O. THENGAVELU
AGED 37 YEARS, KARADIPPARA, VANNAMADA P.O.,
PALAKKAD DISTRICT.

8. BHARGAVI, W/O. THANGAVELU,
AGED 58 YEARS, KARADIPPARA, VANNAMADA P.O.,
PALAKKAD DISTRICT.

9. MUTHU S/O. RAMAN, AGED 58 YEARS,
KARADIPPARA, VANNAMADA P.O., PALAKKAD DISTRICT.

10. VELAYUDHAN, S/O. RAMAN, AGED 64 YEARS,
KARADIPPARA, VENNAMADA P.O., PALAKKAD DISTRICT.

11. RAGHAVAN, S/O. RAMAN, AGED 67 YEARS,
KARADIPPARA, VANNAMADA P.O., PALAKKAD DISTRICT.

12. RATHINASWAMY, S/O. MAYIL SWAMY MADALIAR
AGED 38 YEARS, KARADIPPARAKULAM, VANNAMADA P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:
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1. THE COCHIN DEVASWOM BOARD,
REP.BY ITS SECRETARY, COCHIN DEVASWOM BOARD,
BUILDINGS, SWARAJ ROUND, THRISSUR DISTRICT.

2. THE DISTRICT COLLECTOR, PALAKKAD DIST.

3. THE TAHSILDAR, CHITTUR TALUK,
PALAKKAD DISTRICT.

4. THE VILLAGE OFFICER, KOZHIPATHY VILLAGE
CHITTUR, PALAKKAD DISTRICT.

BY SRI.K.GOPALAKRISHNA KURUP,SC,COCHIN D.B

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- A TRUE COOPY OF THE PURCHASE CERTIFICATE ISSUED TO THE 1ST PETITIONER DATED 25.7.78 AND MUMBERED AS 112/1978 OF THE DEPUTY COLLECTOR LAND TRIBUNAL NO.III TRICHUR.

EXT.P1(a)- A TRUE COPY OF THE BASIC TAX PERIOD RECEIPT DATED 6.2.95 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHY

EXT.PI(b)- A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED 29.12.99 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHY

EXT.P2- A TRUE COPY OF THE SETTLEMENT DEED NO.605 OF 96 OF THE SRO, KOZHINJAMPARA

EXT.P2(a)- A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED 6.5.97 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHY

EXT.P2(b)- A TRUE COPY OF the BASIC TAX PAID RECEIPT DATED 31.7.04 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHY

EXT.P3- A TRUE COPY OF THE SETTLEMENT DEED NO.618/96 OF THE SRO, KOZHINJAMPARA

EXT.P3(a)- A TRUE COPY OF THE BASIC TAX RECEIPT DATED 2.1.98 ISSUED BYTHE VILLAGE OFFICE, KOZHIPATHY

EXT.P4- A TRUE COPY OF the SETTLEMENT DEED NO.616/96 OF SRO, KOZHINJAMPARA

EXT.P5- A TRUE COPY OF THE SALE DEED NO.365/89 OF SRO, KOZHINJAMPARA

EXT.P5(a)- A TRUE COPY OF the SALE DEED NO.365/89 OF SRO, KOZHINJAMPARA

EXT.P5(b)- A TRUE COPY OF BASIC TAX PAID RECEIPT DATED 13.4.04 ISSUED BYTHE VILLAGE OFFICE, KOZHIPATHY

EXT.P6- A TRUE COPY OF THE ASSIGNMENT DEED NO.769/77 OF SRO, KOZHINJAMPARA FROM ONE PAZHANI MUTHU GOUNDER

EXT.P6(a)- A TRUE COPY OF THE PURCHASE CERTIFICATE NO.1507 OF 1980 BY THE DEPUTY COLLECTOR LAND TRIBUNAL NO.III TRICHUR

EXT.P6(b)- A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED 17.12.96 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHI

EXT.P6(c)- A TRUE COPY OF the BASIC TAX PAID RECEIPT DATED 31.7.04 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHI

EXT.P7- A TRUE COPY OF THE SETTLEMENT DEED NO.1069/97 OF THE SRO KOZHINJAMPARA

EXT.P7(a)- A TRUE COPY OF THE REGISTEED WILL NO.89/1986 OF THE SRO, KOZHINJAMPARA

EXT.P7(b)- A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED 11.5.04 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHY

EXT.P7(c)- A TRUE COPY OF the POSSESSION CERTIFICATE DATED 10.9.04 ISSUED BYTHE VILLAGE OFFICE, KOZHIPATHY

EXT.P8- A TRUE COPY OF THE SALE DEED NO.771/1977 OF SRO, KOZHIJNAMPARA

EXT.P8(a)- A TRUE COPY OF THE PURCHASE CERTIFICATE NO.205/1978 BY THE DEPUTY COLLECTOR LAND TRIBUNAL NO.III TRICHUR

EXT.P8(c)- A TRUE COPY OF the POSSESSION CERTIFICATE DATED 10.9.04 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHY

EXT.P9- A TRUE COPY OF THE SETTLEMENT DEED NO.1077/1982 OF SRO, KOZHINJAMPARA

EXT.P9(a)- A TRUE COPY OF the BASIC TAX PAID RECEIPT DATED 28.1.04 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHY

EXT.P10- A TRUE COPY OF the SALE DEED NO.767/77 OF THE SRO, KOZHINJAMPARA

EXT.P10(a)- A TRUE COPY OF THE PURCHASE CERTIFICATE NO.284/1983 BYTHE DEPUTY COLLECTOR LAND TRIBUNAL III, TRICHUR

EXT.P10(b)- A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED 9.8.04 ISSUED BYTHE VILLAGE OFFICE, KOZHIPATHI

EXT.P11- TRUE COPY OF the ASSIGNMENT DEED NO.768/77 OF SRO, KOZHINJAMPARA

EXT.P11(a)- A TRUE COPY OF THE PURCHASE CERTIFICATE NO.196/1978 BY THE DEPUTY COLLECTOR LAND TRIBUNAL III, TRICHUR

EXT.P11(b)- A TRUE COPY OF BASIC TAX PAID RECEIPT DATED 6.12.79 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHI

EXT.P11(c)- A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED 9.8.04 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHI

EXT.P12- A TRUE COPY OF the PURCHASE CERTIFICATE NO.127/96 BYTHE SPECIAL MUNSIFF LAND TRIBUNAL I, TRICHUR

EXT.P12(a)- A TRUE COPY OF BASIC TAX PAID RECEIPT DATED 8.4.04 ISSUED BYTHE VILLAGE OFFICE, KOZHIPATHY

EXT.P12(b)- A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 10.9.04 ISSUED BY THE VILLAGE OFFICE, KOZHIPATHI

EXT.P13- A TRUE COPY OF the A TRUE COPY OF THE ORDER IS CDB NO.1/1992 DATED 8.7.04

EXT.P14- A TRUE COPY OF the REPRESENTATION DATED 8.10.04.

(TRUE COPY)

P.A TO JUDGE

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ

W.P.(C). 30409/2004

Dated this the 22nd day of August, 2007

JUDGMENT

Radhakrishnan, J

Proceedings were initiated on the basis of the direction of this Court in C.D.B.1/92. Detailed counter affidavit has been filed on behalf of respondents 2 to 4. It is stated in the counter affidavit that steps have already been taken on the basis of the direction to evict the encroachers. Since the action has already been initiated, no further orders are necessary. Writ petition is accordingly closed.

2. If the petitioners have any grievance, they have to approach the authorities concerned and the authorities will take steps as directed by this Court in C.D.B.1/92. Petitioners will have to co-operate with the respondents in completing the entire proceedings. Needless to say that if the petitioners are not co-operating, it is open to the respondents to proceed in accordance with law.

K.S.RADHAKRISHNAN
Judge

V.K.MOHANAN
Judge

mrcs